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Attorneys for Plaintiffs,
UMG RECORDINGS, INC.; VIRGIN
RECORDS AMERICA, INC.; WARNER
BROS. RECORDS INC.; PRIORITY
RECORDS LLC; SONY BMG MUSIC
ENTERTAINMENT; and BMG MUSIC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UMG RECORDINGS, INC., a Delaware
corporation; VIRGIN RECORDS AMERICA,
INC., a California corporation; WARNER
BROS. RECORDS INC., a Delaware
corporation; PRIORITY RECORDS LLC, a
California limited liability company; SONY
BMG MUSIC ENTERTAINMENT, a Delaware
general partnership; and BMG MUSIC, a New
York general partnership,

Plaintiffs,

v.

MEGAN DECORT,
Defendant.

CASE NO. 3:07-CV-04871-MEJ

Honorable Maria-Elena James

***EX PARTE APPLICATION TO CONTINUE
CASE MANAGEMENT CONFERENCE
AND ~~[PROPOSED]~~ ORDER***

1 Plaintiffs respectfully request that the Court continue the case management conference
2 currently set for March 27, 2008, at 10:00 a.m. to June 26, 2008. As further explained below,
3 Defendant Megan DeCort ("Defendant") has not appeared in this case; however, the parties have
4 been in contact regarding settlement, and Plaintiffs anticipate a settlement of this matter to be
5 finalized soon. In support of this request, Plaintiffs state as follows:

6 1. Plaintiffs filed their initial Complaint for Copyright Infringement against a John Doe
7 defendant on September 20, 2007. In order to determine the Doe defendant's true name and identity,
8 Plaintiffs also filed their *Ex Parte* Application for Leave to Take Immediate Discovery, requesting
9 that the Court enter an order allowing Plaintiffs to serve a Rule 45 subpoena on Defendant's Internet
10 Service Provider ("ISP"). The Court entered an Order for Leave to take Immediate Discovery on
11 October 4, 2007, which was served upon the ISP along with a subpoena seeking Defendant's
12 identifying information. The ISP responded to Plaintiffs' subpoena, identifying the defendant,
13 Megan DeCort.

14 2. Plaintiffs then sent written notice to Defendant of their claims and attempted to
15 contact Defendant regarding settlement of this matter. During that time, while the case was still in
16 the Doe stage, Plaintiffs requested a previous continuance of the case management conference,
17 which the Court granted by its Order of December 17, 2007.

18 3. When attempts to resolve the dispute were unsuccessful, Plaintiffs, on February 8,
19 2008, filed the First Amended Complaint naming Megan DeCort individually as the defendant.
20 Defendant was served with process on February 23, 2008, by substitute service.

21 4. Defendant has not filed an answer or other response to the Complaint, nor served an
22 answer or other response upon Plaintiffs' attorneys of record. Accordingly, Plaintiffs are prepared to
23 seek entry of default and a default judgment if necessary. However, the parties have again been in
24 contact regarding settlement, and Plaintiffs anticipate that a settlement will be finalized shortly.

5. Given the foregoing circumstances, and because Defendant has not appeared in this action, a case management conference is unnecessary at this time. Plaintiffs therefore request that the Court continue the case management conference currently set for March 27, 2008, at 10:00 a.m. to June ~~26~~, 2008, or such other date as conveniences the Court.

Dated: March 17, 2008

HOLME ROBERTS & OWEN LLP

By: /s/ Matthew Franklin Jaksa
MATTHEW FRANKLIN JAKSA
Attorney for Plaintiffs
UMG RECORDINGS, INC.; VIRGIN
RECORDS AMERICA, INC.; WARNER
BROS. RECORDS INC.; PRIORITY
RECORDS LLC; SONY BMG MUSIC
ENTERTAINMENT; and BMG MUSIC

[PROPOSED] ORDER

Good cause having been shown:

IT IS ORDERED that the case management conference currently set for March 27, 2008, at 10:00 a.m. be continued to ~~June 26, 2008.~~ June 19, 2008 at 10:00 a.m.

March 18, 2008
Dated: _____

By: 
Honorable Maria-Elena James
United States Magistrate Judge

PROOF OF SERVICE

STATE OF CALIFORNIA, CITY AND COUNTY OF SAN FRANCISCO

I am employed in the office of Holme Roberts & Owen in San Francisco, California. I am over the age of eighteen years and not a party to the within action. My business address is 560 Mission Street, 25th Floor, San Francisco, CA 94105.

On March 17, 2008, I served the foregoing documents described as:

EX PARTE APPLICATION TO CONTINUE CASE MANAGEMENT CONFERENCE AND [PROPOSED] ORDER on the interested party in this action by placing a true and correct copy thereof enclosed in a sealed envelope addressed as follows:

**Megan DeCort
3014 Evergreen Street
San Diego, CA 92110**

☒ BY MAIL: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at San Francisco, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☒ (FEDERAL) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on March 17, 2008 at San Francisco, California.


